

REMARKS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-24 are pending in this application, Claims 1 and 12 having been amended by the present Amendment. New Claims 21-24 are added. Support for amended Claims 1 and 12 can be found, for example, in the original claims, drawings, and specification as originally filed.<sup>1</sup> No new matter has been added.

In the outstanding Office Action, Claims 1-7 and 17-18 were rejected under 35 U.S.C. § 102(e) as anticipated by Robins et al. (U.S. Patent No. 6,430,184; hereinafter “Robins”); Claims 9, 12, 14, 16, and 19 were rejected under 35 U.S.C. § 103(a) as unpatentable over Robins in view of Chandos et al. (U.S. Patent No. 5,615,214; hereinafter “Chandos”); Claims 8, 10-11, 13, and 15 were rejected under 35 U.S.C. § 103(a) as unpatentable over Robins; and Claim 20 was rejected under 35 U.S.C. § 103(a) as unpatentable over Robins in view of admitted prior art (hereinafter “APA”).

In response to the rejection of Claims 1-7 and 17-18 under 35 U.S.C. § 102(e) as anticipated by Robins, Applicant respectfully submits that amended independent Claim 1 recites novel features clearly not taught or rendered obvious by the applied references.

Independent Claim 1 is directed to a process for transmitting asynchronous data packets including, *inter alia*,

...starting a packeting operation of asynchronous data in a packeting module;

receiving, in said packeting module, a message from a message composition module when the message composition module needs a data packet;

interrupting said packeting operation based on said message;

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<sup>1</sup> See for example at page 4, lines 6-8 and at page 8, lines 6-13 of the specification.

transmitting a packet of asynchronous data from the packeting module formed during said packeting operation prior to said interrupting step even if the packeting operation of the asynchronous data is not completed; and

repeating said steps of starting, receiving said message, interrupting, and transmitting thereby transmitting a plurality of data packets.

Page 9 of the Office Action asserts that Relay Engine (“RE”) 40 corresponds to Applicant’s claimed message composition module and that Queue Manager (“QM”) 30 corresponds to Applicant’s claimed packeting module. Page 9 of the Office Action also states that “Robins does disclose that the RE examines canonicalized packet headers received at interface from the QM and to determine rapidly whether the packet belongs to a known flow and to provide instructions accordingly on interface for appropriate scheduling corresponds to interrupting packeting operation based on the message. Therefore, RE (corresponds to message composition module) provide instruction to QM (corresponds to packeting module) for packeting according to the linked-lists of packet descriptors stored in buffers of the QM.”<sup>2</sup>

However, Robins fails to teach or suggest “receiving, in said packeting module, a message from a message composition module when the message composition module needs a data packet,” as recited in Applicant’s amended independent Claim 1.

In Robins, QM 30 receives an instruction from RE 40 for packeting *according to linked-lists of packet descriptors stored in the buffers of the QM 30*. Whereas, in Applicant’s Claim 1 the packeting module receives a message from the message composition module, *when the message composition module needs a data packet*. In other words, QM 30 receives an instruction based on information stored in the QM 30 and in Applicant’s

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<sup>2</sup> See Robins at column 7, lines 8-13.

Claim 1 the packeting module receives a message from the message composition module when the message composition module needs a data packet.

Assuming *arguendo*, that RE 40 corresponds to Applicant's claimed message composition module and that QM 30 corresponds to Applicant's claimed packeting module, Robins does not describe that QM 30 receives a message from the RE 40 ***when the RE 40 needs a data packet.***

Thus, Applicant respectfully submits independent Claim 1 (and all claims depending thereon) patentably defines over Robins.

Accordingly, Applicant respectfully requests the rejection of Claims 1-7 and 17-18 under 35 U.S.C. § 102(e) as anticipated by Robins be withdrawn.

In response to the rejection of Claims 9, 12, 14, 16, and 19 under 35 U.S.C. § 103(a) as unpatentable over Robins in view of Chandos, Applicant notes that Claims 9 and 19 are dependent on independent Claim 1 and are believed to be patentable for at least the reasons discussed above. Further, Applicant respectfully submits that Chandos fails to cure any of the above-noted deficiencies of Robins.

Amended independent Claim 12 recites "requesting, by a message composition module, said packet when said message composition module needs said packet."

Accordingly, Applicants respectfully submit that independent Claim 12 (and all claims depending thereon) patentably distinguishes over Robins and Chandos for at least the reasons discussed above.

Accordingly, Applicants respectfully request the rejection of Claims 9, 12, 14, 16, and 19 under 35 U.S.C. § 103(a) as unpatentable over Robins in view of Chandos be withdrawn.

In response to the rejection of Claim 20 under 35 U.S.C. § 103(a) as unpatentable over Robins in view of APA, Applicants note that Claim 20 is dependent on Claim 1 and is

believed to be patentable for at least the reasons discussed above. Further, Applicants respectfully submit that APA fails to cure any of the above-noted deficiencies of Robins.

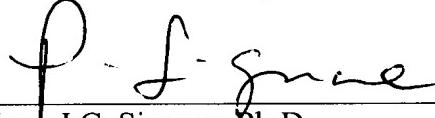
In order to vary the scope of protection recited in the claims, new Claims 21-24 are added. New Claims 21-24 find non-limiting support in the disclosure as originally filed, for example at page 4, lines 6-8 and 20-22; page 6, lines 18-21; and page 8, lines 6-13 of the specification.

Therefore, the changes to the claims are not believed to raise a question of new matter.

Consequently, in view of the present amendment, and in light of the above discussion, the pending claims as presented herewith are believed to be in condition for formal allowance, and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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